IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. Civil Writ Petition No.9061/02
Ramnarayan @ Lohri Ram Vs. Kajor & Ors.

09.04.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri K.C. Sharma for petitioner.

Heard learned counsel for the parties.

The petitioner has challenged the patta dated 15.11.1986 issued to respondent no.1 by Gram Panchayat, Bhandarej and the order dated 27.8.2002 whereby his revision petition filed against grant of such patta was rejected by District Collector, Dausa. The learned counsel for the petitioner argued that the land on which the patta was given to respondent no.1 was the land of public chowk and was being used for the cattles

of the village. The patta has been issued by the Gram Panchayat on extraneous considerations and ulterior motives. He cited the notice Ex.5 dated 15.11.86 whereby the Gram Panchayat itself required the respondent no.1 to show cause by 30.11.86 as to why the action be not taken against him with regard to encroachment. The patta was issued by the same very Gram Panchayat under the signatures of the Sarpanch on 15.11.86. According to learned counsel for the petitioner this was a clear case of undue favour. Learned Collector failed to appreciate this aspect of this matter and dismissed the revision petitioner without properly appreciating the facts and the law both.

On the other hand, Shri S.N.

Gupta, the Dy. Government Advocate for the State opposed the writ petition and argued that the impugned order is perfectly justified because the revision itself was filed by enormous delay against the patta on 15.11.86 in the year 2001 on the same subject matter for which suit was also pending.

During the course of arguments certified copy of the plaint was produced. It appears from the plaint that the civil suit was filed by none other than the petitioner himself in which he claims the disputed land of his own and not of his brother and has prayed for an injunction against the respondent no.1 Kajor and two others that they should not interfere with the peaceful possession of the use of the land in their possession.

The learned Collector rejected the revision petition on the ground that it was filed enormously delayed and no explanation was given as to why the revision petition was filed with so much of delay.

The learned counsel for the petitioner sought to explain the delay by contending that he could come to know about the patta only from the averment in the written statement filed in the Civil Suit and therefore filed the revision petition with delay. If that be so, the petitioner could challenge the patta also in that suit which was issued way back on 15.11.86. The patta having not been challenged for 15 long years was rightly not allowed to be challenged in revision petition with such an enormous delay.

I do not find any error in the order of District Collector in rejecting the revision petition. The petitioner can avail all the reliefs in the Civil Suit itself which is said to be still pending.

With these observations, the writ petition is dismissed with no order as to costs.

(Mohammad Rafiq),J.

Rs/-